

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

JUN 08 2010

DANNY LEWIS CONKLIN, #485746, §
Individually and as personal representative §
of the Estate of Christine E. Cleland, §

Plaintiff, §

vs. §

JERRY LYNN JORDON, §

Defendant. §

DAVID J. MALAND, CLERK
BY DEPUTY _____

CIVIL ACTION NO. 4:10cv80

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 12, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Plaintiff's complaint be dismissed without prejudice to the refiling of same should he be able to demonstrate that he is either a representative of the estate or that he witnessed the accident as a bystander. It was further recommended that any future filings that are not made in accordance with the court's orders be deemed vexatious and be subject to sanctions pursuant to Local Rule CV-65.1.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions

of the court. Therefore, Plaintiff's complaint is dismissed without prejudice to the refile of same should he be able to demonstrate that he is either a representative of the estate or that he witnessed the accident as a bystander. Any future filings that are not made in accordance with the court's orders shall be deemed vexatious and subject to sanctions pursuant to Local Rule CV-65.1.

IT IS SO ORDERED.

SIGNED this 7th day of June, 2010.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE